

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In RE: Matthew Berry

Debtor

Case No.: 10-30722-KRH
Chapter 13

**Amended
NOTICE OF MOTION TO REFINANCE REAL ESTATE**

Debtor Matthew Berry, by counsel, has filed papers with the court to Refinance Real Property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one. If you do not have an attorney you may wish to consult one.

If you do not want the court to grant the permission sought in the motion, then on or before September 6, 2013, you or your attorney must file a written request for a hearing or response pursuant to Local Bankruptcy Rule 9013-1 (H). Your request for a hearing or response must be **received** by the Court no later than September 6, 2013. Send your request or response to:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, Virginia, 23219

You must also mail a copy of your request or response to:

America Law Group, Inc.
Debt Law Group
2800 N Parham Rd, Ste 100
Richmond, VA 23294

If no timely responses are filed opposing the motion, the Court determine that you do not oppose the action sought in the motion and may enter an order granting the requested relief

Date: August 16, 2013

/s/ Richard J Oulton, Esq
Richard J Oulton
2800 N Parham Rd, Ste 100
Richmond, VA 23294
Phone 804-308-0051
Fax 804-308-0053
VSB # 29640
Counsel for Debtor

Certificate of Service

I certify that on August 16, 2013 a copy of this document was mailed, first class, postage prepaid, to Robert E. Hyman, Chapter 13 Trustee, P.O. Box 1780 Richmond, VA 23219-1780 and all other creditors and necessary parties.

/s/ Richard J Oulton
Richard J Oulton

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In RE: Matthew Berry

Debtor

Case No.: 10-30722-KRH
Chapter 13

**AMENDED
MOTION FOR THE DEBTOR
TO REFINANCE REAL PROPERTY**

Comes now the Debtor, by counsel, and as for his Motion to REFINANCE Real Property states as follows:

1. The Debtor filed this case under Chapter 13 of the U.S. Bankruptcy Code on 2/4/2010.
2. Virginia Community Bank is the secured creditor of the Debtor that holds a first mortgage in the approximate principal amount of \$48,600.00 secured by the Debtor's two real properties located at 3855 Holly Grove Dr. Bumpass, VA 23024 and at 3301 Davis Highway Louisa, VA 23093.
3. The Debtor, who owns these properties alone, has entered into an agreement to refinance his current mortgage with the following details: The new lender is Virginia Community Bank. The new principal amount to be financed is \$48,600.00 at 6.880% interest. The new monthly payment will be \$496.69 per month.
4. The additional funds of the refinance of the property will be used to satisfy the first mortgage with Virginia Community Bank and to pay any related

administrative closing/settlement costs. The Debtor will remain in his current Chapter 13 bankruptcy and continue sending regular monthly payments.

Wherefore, the Debtor, Matthew Berry, requests that the Court enter an Order authorizing the REFINANCE of real property in accordance with the terms of his Refinance with Virginia Community Bank, that the debtor be granted such motion.

DATED, August 16, 2013

Matthew Berry

By /s/Richard James Oulton
Of Counsel

Richard James Oulton, Esquire
VSB# 29640
America Law Group, Inc.
Debt Law Group
2800 N Parham Rd, Ste 100
Richmond, VA 23294
(804) 308-0051

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by electronic means or mailed, by first class mail, a true and accurate copy of the foregoing Motion for Proposed Refinance of Real Property was sent to the U.S. Trustee, Richmond, VA 23220 and Robert Hyman, Chapter 13 Trustee, P.O. Box 1780 Richmond, VA 23219-1780 and all creditors and necessary parties on August 16, 2013.

/s/Richard James Oulton
Richard James Oulton

Creditors

Am Honda Fin
8601 Mcalpine Pk D
Charlotte, NC 28211-0000

American Honda Finance Corporation
National Bankruptcy Center
P.O. Box 168088
Irving, TX 75016-8088

AutoMax Rent-a-car
2333 Anderson Highway
Powhatan, VA 23139-0000

Bank of America
4060 Ogletown/Stam
Newark, DE 19713-0000

Bank Of America
4161 Piedmont Pkwy
Greensboro, NC 27410-0000

Bk Of Amer
4060 Ogletown/Stam
Newark, DE 19713-0000

BNA Financial Services
8010 Safari Dr.
Smyrna, TN 37167-6605

Bon Secours Richmond Health
St. Mary's Hospital
P.O. Box 409553
Atlanta, GA 30384-9553

Cap One
Po Box 85520
Richmond, VA 23285-0000

Cap One
Pob 30281
Salt Lake City, UT 84130-0000

Cap One Na
2730 Liberty Ave

Pittsburgh, PA 15222-0000

Capital One Bank (USA), N.A.
by American Infomsource Lp As Agent
PO Box 71083
Charlotte, NC 28272-1083

Capital One, N.A.
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd., Suite 200
Tucson, AZ 85712

Care Cr/Gemb
Po Box 981439
El Paso, TX 79998-0000

Carecrd/Gemb
Po Box 981439
El Paso, TX 79998-0000

Chase- Cha
Pob 1547
Orlando, FL 32802-0000

Citi Cards
7920 NW 110th St
Kansas City, MO 64153-0000

Client Services Inc/Citicards
PO Box 1503
Saint Peters, MO 63376-0027

Dsnb Macys
9111 Duke Blvd
Mason, OH 45040-0000

Fia Card Services, NA As Successor In Interest to
Bank of America NA and Mbna America Bank
1000 Samoset Drive
DE5-023-03-03
Newark, DE 19713

GC Services
Collection Agency Division
6330 Gulfon
Houston, TX 77081-0000

GE Consumer Finance
For GE Money Bank
dba JEWELRY ACCENT/GEMB
PO Box 960061
Orlando FL 32896-0661

Gemb/Jcp
Po Box 981402
El Paso, TX 79998-0000

Gemb/Jlryacc
Po Box 981439
El Paso, TX 79998-0000

Gemb/Lowes
Po Box 981400
El Paso, TX 79998-0000

Gemb/Sams
Po Box 981400
El Paso, TX 79998-0000

Glasser and Glasser
580 East Main St.
Crown Center Building, Ste 600
Norfolk, VA 23510-2212

Hsbc Bank
Po Box 5253
Carol Stream, IL 60197-0000

HSBC Bank Nevada, N.A.
Bass & Associates, P.C.
3936 E. Fort Lowell Road, Suite 200
Tucson, Az 85712

Hsbc/Bstby
1405 Foulk Road
Wilmington, DE 19808-0000

Hsbc/Bstby
Pob 15521
Wilmington, DE 19805-0000

Hsbc/Comp
Pob 15521
Wilmington, DE 19805-0000

Julie P McKeown
9609 Carterwood Rd
Henrico, VA 23229-0000

Julie P. McKeown
c/o Spotts Fain PC
P.O. Box 1555
Richmond, VA 23218-1555

Kohls/Chase
N56 W17000 Ridge
Menomonee Fall, WI 53051-0000

Law Offices of Marc Dann
1061 Trumbull Ave, Ste A
Girard, OH 44420-0000

LVNV Funding LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Midland Funding, LLC by American InfoSource LP
PO Box 248897
Oklahoma City, OK 73124-8897

Portfolio Recovery Associates, LLC.
PO Box 41067
Norfolk, VA 23541

PRA Receivables Management, LLC
As Agent Of Portfolio Recovery Assoc
POB 41067
NORFOLK VA 23541

Sherry Harlow
958 Anna Coves
Mineral, VA 23117-0000

Spotts Fain, PC
411 E Franklin St, Suite 600
Richmond, VA 23219-0000

Tabank
5595 Trillium Blvd
Schaumburg, IL 60192-0000

Target N.B.
Po Box 673
Minneapolis, MN 55440-0000

Thd/Cbsd
Po Box 6497
Sioux Falls, SD 57117-0000

The Oulton Law Firm, PLLC
2807 N Parham Rd Suite 107
Richmond, VA 23294

Ucs/Citi
Po Box 6241
Sioux Falls, SD 57117-0000

Va Com Bank
Pob 888
Louisa, VA 23093-0000

Va Comunt
P.O. Box 888
Louisa, VA 23093-0888

Verizon
Natal Recovery D
Folsom, CA 95630-0000

Virginia Emergency Associates
P.O. Box 791178
Baltimore, MD 21279-0000

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In RE: Matthew Berry

Debtor

Case No.: 10-30722-KRH
Chapter 13

**AMENDED PROPOSED
ORDER AUTHORIZING REFINANCE
OF REAL PROPERTY**

This matter came to be heard upon the Motion of the Debtor for the authority to REFINANCE real property, and it appearing to the Court that the debtor has the opportunity to REFINANCE the real property located at 3855 Holly Grove Dr. Bumpass, VA 23024 / 3301 Davis Highway Louisa, VA 23093 for the amount of \$48,600.00. The sale proceeds will be sufficient to pay all liens of record on this property in the approximate amount of \$48,600.00 and all associated closing costs, including but not limited to prorated real estate taxes and utilities. The Debtor will remain in his current Chapter 13 bankruptcy and continue sending regular monthly payments.

The Court further determining that it would be in the best interest of the creditors and parties in interest in this case to allow this refinance to take place, and for these reasons and other good cause shown, it is hereby

ORDERED that the debtor is authorized to REFINANCE real property, described as

Parcel I: All that certain tract or parcel of land, with all improvements thereon and all appurtenances thereunto belonging, lying and being in the **Jackson District**, Louisa County, Virginia, fronting on the northerly side of Holly Grove Drive, State Route 610, containing 7.698 acres, more or less, more particularly shown and described as Parcel A on a certain plat of survey by James H. Bell, Jr., P.C., P.L.S., dated August 18, 1998, recorded in the Clerk's office of Louisa County, Virginia, in Deed Book 609, Page 252, AND BEING the same land conveyed to Matthew W. Berry from Carol M. Cochran, Executrix of the Estate of Eron Fore Cosby, by deed dated February 19, 2003, in Deed Book 764, Page 47. TMS 99-27A.

Parcel II: All that certain tract or parcel of land, with all improvements thereon and all appurtenances thereunto belonging, lying and being in the **Louisa District**, Louisa County, Virginia, fronting on the southerly side of Davis Highway, State Route 22, containing 1.297 acres, more or less, more particularly shown and described as Parcel B on a certain plat of survey by Milton Terry Estates, C.L.S., dated June 2, 1976, revised September 16, 1976, recorded in the Clerk's Office of Louisa County, Virginia, in Deed Book 200, Page 333, AND BEING the same land conveyed to Matthew W. Berry from Matthew W. Berry and Sandra G. Berry, husband and wife, by deed dated March 15, 1991, in Deed Book 409, Page 23. **TMS 41-(17)-B.**

Executed for identification purposes as an attachment to a deed of trust dated August 18, 2006, conveying the described property from the undersigned to Ronald S. Spicer and G. Andrew Nea, Jr., Trustees.

more commonly known as:

3855 Holly Grove Dr. Bumpass, VA 23024

and

3301 Davis Highway Louisa, VA 23093

and it is

FURTHER ORDERED that prior to the actual closing of this transaction, the settlement agent shall forward to counsel for the debtor and the Chapter 13 Trustee a proposed HUD-1 for review. It shall be the responsibility of counsel for the debtor to review these documents to assure that the terms of this Order and the payment of the proper amount to the Chapter 13 are provided for, and it is

FURTHER ORDERED that immediately after the closing the settlement agent shall provide a fully executed copy of the settlement statement and/or HUD-1 to counsel for the debtor and the Chapter 13 Trustee.

I ask for this:

/s/ Richard James Oulton
Richard James Oulton
Counsel for Debtor

Seen and approved:

/s/ Robert Hyman
Robert Hyman

Chapter 13 Trustee

Entered on Docket _____

U.S. Bankruptcy Judge

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by electronic means or by mail first class a true accurate copy of the Order to Authorize REFINANCE of Real Property to all creditors and to all necessary parties on August 16, 2013.

/s/ Richard J. Oulton

Richard J. Oulton, Attorney for Debtor

PARTIES TO RECEIVE COPIES:

Robert Hyman
Chapter 13 Trustee
P.O. Box 1780 Richmond, VA 23219-1780

Virginia Community Bank
114 Industrial Dr. P.O. Box 888 Louisa, VA 23093

Matthew Berry
3855 Holly Grove Dr. Bumpass, VA 23024

Virginia Community Bank
114 Industrial Dr. P.O. Box 888 Louisa, VA 23093